FILED
9/2/2021
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

AUSA Aaron R. Bond (312) 469-6047

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

MARCOS GLEFFE

Case No.: 21 CR 551
MARIA VALDEZ
Magistrate Judge

AFFIDAVIT IN REMOVAL PROCEEDING

I, [redacted] appearing by reliable electronic means telephonically before United States Magistrate Judge MARIA VALDEZ and being duly sworn on oath, state that as a federal law enforcement officer I have been informed that MARCOS GLEFFE has been charged by Complaint in the District of Columbia with the following criminal offenses: knowingly entering or remaining in any restricted building or grounds without lawful authority, in violation of Title 18, United States Code, Section 1752(a)(1); disorderly and disruptive conduct in a restricted building or grounds, in violation of Title 18, United States Code, Section 1752(a)(2); and disorderly conduct on U.S. Capitol grounds in violation of Title 40, United States Code, Section 5104(e)(2)(D); and Parade, Demonstrate, or Picket in any of the Capitol Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(G).

A copy of the Complaint is attached. A copy of the arrest warrant also is attached.

[redacted]
Task Force Officer
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me this 2nd day of September, 2021.

MARIA VALDEZ
United States Magistrate Judge

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
Marcos Gleffe
DOB: XXXXXX

Defendant(s)

Case: 1:21-mj-00584
Assigned To : Harvey, G. Michael
Assign. Date : 8/31/2021
Description: Complaint w/ Arrest Warrant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the _____ in the District of Columbia, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 1752(a)(1)	Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,
18 U.S.C. § 1752(a)(2)	Disorderly and Disruptive Conduct in a Restricted Building or Grounds,
40 U.S.C. § 5104(e)(2)(D)	Disorderly Conduct on Capitol Grounds,
40 U.S.C. § 5104(e)(2)(G)	Parade, Demonstrate, or Picket in any of the Capitol Buildings. .

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

[redacted]
Complainant's signature

[redacted] Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Digitally signed by G. Michael Harvey
Date: 2021.09.01 10:52:30 -04'00'

Date: 09/01/2021

Judge's signature

City and state: Washington, D.C. G. Michael Harvey, U.S. Magistrate Judge
Printed name and title

Case: 1:21-mj-00584
Assigned To : Harvey, G. Michael
Assign. Date : 8/31/2021
Description: Complaint w/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [redacted] is a Task Force Officer with the Federal Bureau of Investigation (FBI) and is presently tasked with investigating criminal activity in and around the Capitol grounds. As a Task Force Officer, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws. The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Facts Specific to Marcos Gleffe

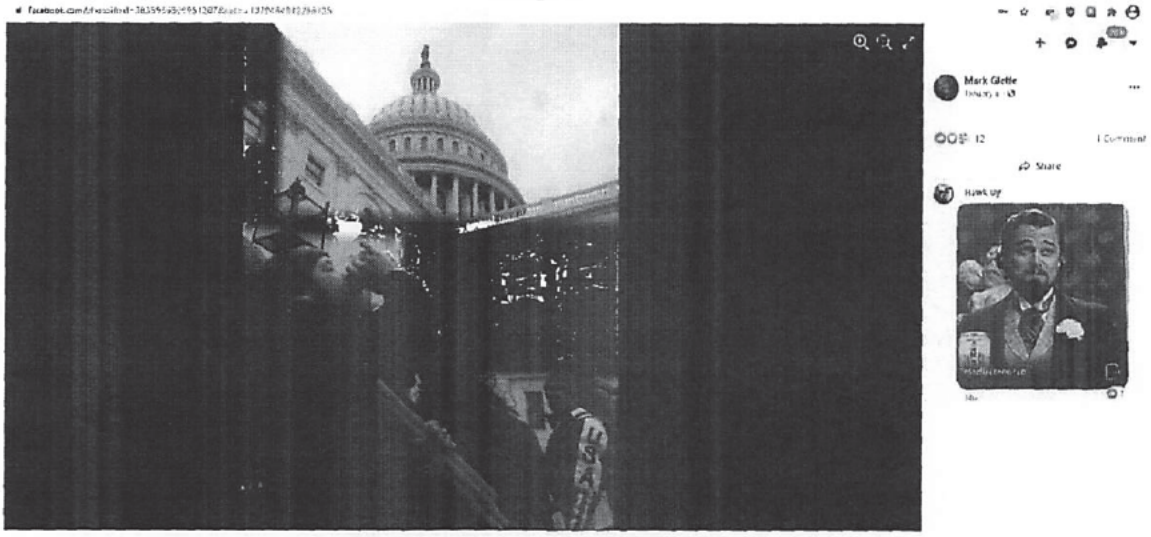
After the events of January 6, 2021, on or about February 26, 2021, the FBI received a tip that Marcos GLEFFE breached the U.S. Capitol Building on January 6, 2021. The tipster, ("Individual-1") provided a tip to the FBI that he/she observed a livestream/post posted by GLEFFE on his Facebook account. The handle name for the account was "Mark Gleffe." Individual-1 met GLEFFE has known GLEFFE for approximately ten years and is friends with GLEFFE on Facebook.

Individual-1 observed a post published on GLEFFE's Facebook account dated January 5, 2021, advising that GLEFFE was going to livestream the "DC event" on his Parler account, @fightthefraud. A screenshot capture of this post appears below. *See* Image 1.

Image 1

The following day, on January 6, 2021, Individual-1 observed an additional post on GLEFFE's Facebook page. In the Facebook post, GLEFFE was observed wearing a gray or dark-colored beanie/skull cap with a dark colored jacket/sweater. GLEFFE carried three flags with distinctive bright, orange-colored handles in his hand. GLEFFE stood outside of the U.S. Capitol Building while drinking an unknown beverage. Individual-1 believes that the post depicted GLEFFE at the Trump rally. *See* Image 2.

Image 2



On or about April 20, 2021, agents with the FBI interviewed Individual-1. During the interview with Individual-1, Individual-1 explained that he/she observed Facebook posts that GLEFFE posted from January 6, 2021, including pictures and live videos, documenting his attendance at the rally in Washington D.C. Individual-1 stated that while GLEFFE did not post any pictures of himself inside the Capitol, GLEFFE had since deleted several images from Facebook after January 6, 2021.

Based upon the information received from Individual-1, the FBI attempted to determine if GLEFFE entered the Capitol building following his attendance at the rally. Records obtained from Facebook show that the usernames associated with GLEFFE's Facebook account are marcos.gleffe and marcos.gleffe.9. Additionally, FBI agents identified telephone number xxx-xxx-6242 through an open-source search as being the telephone number associated with GLEFFE.

Your affiant reviewed the post and observed GLEFFE standing outside of the Capitol Building after the conclusion of the rally. Based upon the information received from Individual-1, the FBI attempted to determine if GLEFFE entered the Capitol building following his attendance at the rally. Records obtained from Facebook show that the usernames associated with GLEFFE's Facebook account are marcos.gleffe and marcos.gleffe.9. FBI agents identified telephone number xxx-xxx-6242 through an open-source search as being the telephone number associated with GLEFFE.

To determine whether GLEFFE entered the U.S. Capitol Building, agents searched telephone number xxx-xxx-6242 against a cellular telephone tower dump. As a result, the cellular telephone assigned telephone number xxx-xxx-6242 associated to GLEFFE was determined to have been inside of the U.S. Capitol building on January 6, 2021 for approximately fourteen minutes.

Your affiant conducted an initial review of some of the surveillance footage captured on January 6, 2021 from cameras inside the Capitol building. During my review, I identified images of an individual matching the description of GLEFFE standing in the doorway of the first floor of the building, entering the north west side of the inside of the U.S. Capitol Building at approximately 2:19 p.m. The individual, attired in a gray or dark-colored beanie/skull cap and entered the building, in possession of a cellular telephone. The individual appeared to be taking either pictures or video footage of the inside of the building. Additionally, the individual appeared to be in possession of a flag. *See* Image 3.

Image 3

In another image captured via Capitol surveillance footage, the individual appears to have fully entered the Capitol. In this image, I observed a full body view of the individual, who was attired in the gray or dark-colored beanie/skull cap, dark jacket, and dark pants. Additionally, I observed that the individual was carrying a flag stating "TRUMP 2020 MAKE AMERICA GREAT AGAIN." The handle(s) of the flag(s) was bright orange, similar to the flags held by GLEFFE in his Facebook post. *See* Image 4.

Image 4

In another image, the individual appears to be verbally engaging with members of the U.S. Capitol police while the officers are standing in the hallway. *See* Image 5.

Image 5

Agents elected to contact GLEFFE to attempt to interview him about the possible breach of the U.S. Capitol Building. GLEFFE was contacted at telephone number xxx-xxx-6242, the same telephone number assigned to GLEFFE's Google account. On May 3, 2021, GLEFFE was interviewed by an assisting FBI agent. During the interview, GLEFFE admitted to entering the U.S. Capitol building on January 6, 2021. According to GLEFFE, he rented a car and traveled from Illinois to Virginia to attend the Trump rally. GLEFFE confirmed that he was attired in blue jeans, a sweatshirt, and a beanie hat to attend the rally. While at the rally, GLEFFE heard a group of individuals state, "We're storming the Capitol." GLEFFE decided to follow the group to the Capitol building. GLEFFE also confirmed that he did indeed carry three flags with him to the Capitol building, one American flag and two "Trump flags." According to GLEFFE, after he attended the rally, he decided to follow the crowd to the Capitol building. Upon arriving, GLEFFE claimed to have been indirectly teargassed as he attempted to make his way past the barriers, which he claims were already knocked down. GLEFFE then attempted to enter the building though a "back entrance."

While attempting to enter, GLEFFE observed police officers standing near his intended point of entry. GLEFFE claims that he was allowed to enter the building despite the police presence because the office did not prevent him from entering. GLEFFE admitted that while he entered the building, he did not enter any rooms inside of the Capitol building. GLEFFE admitted into walking down many hallways. GLEFFE told agents that he was inside of the building approximately ten minutes. At the conclusion of the interview, GLEFF stated that he made "the biggest mistake going through the door" and "would not do it again if I could go back."

The agent who interviewed GLEFFE reviewed the Capitol building surveillance footage, stills of which are marked herein as *Images* 3, 4, and 5. The interviewing agent identified the person she interviewed, GLEFFE, as the individual depicted entering the building and inside of the building, attired in a gray skull/beanie cap, dark clothing, and in possession of flags with bright-colored handles, as being GLEFFE.

Based on the foregoing, your affiant submits that there is probable cause to believe that Marcos GLEFFE violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions.

For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that Marcos GLEFFE violated 40 U.S.C. §§ 5104(e), which make it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

[redacted]

Task Force Officer
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 1st day of September 2021.

Digitally signed by G. Michael Harvey
Date: 2021.09.01 10:53:52 -04'00'

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
Marcos Gleffe

Case: 1:21-mj-00584
Assigned To : Harvey, G. Michael
Assign. Date : 8/31/2021
Description: Complaint w/ Arrest Warrant

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Marcos Gleffe ,

who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint

☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct on Capitol Grounds;
40 U.S.C. § 5104(e)(2)(G) - Parade, Demonstrate, or Picket in any of the Capitol Buildings. .

Date: 09/01/2021

Digitally signed by G. Michael Harvey
Date: 2021.09.01 10:49:48 -04'00'

Issuing officer's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
at *(city and state)* _____.

Date: _____

Arresting officer's signature

Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: Marcos Gleffe

Known aliases:

Last known residence: [redacted] Elk Grove Village, Illinois 60007

Prior addresses to which defendant/offender may still have ties:

Last known employment:

Last known telephone numbers:

Place of birth:

Date of birth: [redacted]1983

Social Security number: [redacted]

Height: Weight: N/A

Sex: Male Race: White

Hair: N/A Eyes: N/A

Scars, tattoos, other distinguishing marks:

History of violence, weapons, drug use:

Known family, friends, and other associates *(name, relation, address, phone number)*:

FBI number:

Complete description of auto:

Investigative agency: FBI

Investigative agency address: Chicago Field Office

Name and telephone numbers (office and cell) of pretrial services or probation officer *(if applicable)*:

Date of last contact with pretrial services or probation officer *(if applicable)*: